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MEMORANDUM FOR: Mr. Lloyd

SUBJECT : Civil Service Retirement Data

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1. The attached memo from the Director of Personnel sets forth the differences of opinion between his office and the Office of General Counsel concerning the method of presentation of Civil Service Retirement data within the Agency regulatory system. Since this particular case is just one example of where these differences of opinion will be applicable, the decision reached will have a significant bearing on the shaping of our regulatory system.

2. The Office of Personnel holds that the Regulation should include all the detailed technical information included in the Civil Service Retirement Act and regulations issued thereunder, whereas, the Office of General Counsel holds that the regulation should note only those matters peculiar to CIA, and that the remainder of the retirement data be made available by distribution of already existing pamphlets and regulations which have been issued by the Civil Service Commission.

3. If this material is to be issued as a regulation, I find myself on the side of OGC. However, if the material is sent out in handbook form, then I am inclined to agree with Personnel. Such reasoning as this, however, will raise the question, "What difference does it make whether in regulation form or handbook - the same principle is involved?" I believe it makes a big difference. If we adopt the practice of including detailed technical information and procedural instructions in our regulations then, in my opinion, it will not be long until our regulations will become so unwieldy as to render them completely ineffective. It seems to me we should strive to develop a set of Agency regulations which is compact, stated in clear and concise language, and so designed to acquaint employees with Agency policies, organization, authorities, responsibilities, and essential procedures. The detailed technical information should be prepared in handbook form. I believe this was what the drafters of [redacted] had in mind.

4. The issuance of detailed technical information and procedures in the form of handbooks would, or rather should, alleviate the knotty problem of coordination. We should view a handbook as the product of a specialist treating a specialized subject, and not give it the extensive coordination required for regulations. The Comptroller's recently proposed regulation on the "Preparation of Travel Vouchers" (attached) is a good case in point. It consists largely of an item

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by item description of what should be entered on each line with a sample voucher attached. I am sure it will be very useful to those employees at Headquarters and Field stations who are assigned the task of helping employees fill out their travel vouchers and get them in proper form for payment. I feel equally sure that no one else will ever read the regulation. Obviously, the Comptroller will not honor a voucher unless it is filled out properly, and since he is the one who must approve it, it would seem reasonable to assume that he should be allowed to issue necessary procedures without coordinating them throughout the Agency. He is the expert on financial matters, the same as Dr. Tietjen is on medical matters. Certainly it would not occur to us to require an immunization procedure for nurses to be coordinated with Logistics, nor would a DD/P handbook on political action be coordinated with the Comptroller. I'm not trying to be flip here, but am only trying to stress that in my opinion we are going in the wrong direction in building our regulatory system.

5. Getting back to the Retirement Regulation in question, it is noted in paragraph 3.a. of Personnel's memo that the proposed regulation "... provides a single comprehensive source of complex and technical information integrally aligned with procedural material..." It is true that a considerable amount of detail is included in the proposed regulation (to be exact, 21 mimeographed pages). However, it still leaves many unanswered questions, many of them being of the nature that any individual having cause to check on retirement benefits would want to know. A cursory reading raised the following questions in my mind:

a. On page 2, para 4.b., Service Creditable for Retirement, there is no information as to how employees should go about obtaining credit for previous service. Also, it omits the important point that if retirement deductions were not made during periods of previous service, the employee is required to pay into the retirement fund an amount equal to what the total deductions would have been plus interest.

b. On page 5, para 4.d., Optional Retirement, the regulation states employees may retire "... between the ages of 55 and 60, at a reduced annuity, after 30 or more years of creditable service." The obvious question that any employee would raise is, "How do I figure my reduced annuity?" The proposed regulation does not give the answer.

c. On page 8, para 5.a.(2)(b), concerning Computation of Annuities, it says, "... consideration is also given to other factors in the computation of his basic annuity," but does not give any information or figures from which an employee would arrive at the additional benefits he would receive.

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I mention these gaps only to illustrate that in order to furnish employees the complete picture, much more detailed information would have to be added to this proposed regulation.

6. It is also stated para 3.c. of Personnel's memo that including all the detailed information in the regulation "... is a more practical solution than the adoption of the OGC proposal which would require the sterilization of numerous Government publications for distribution to field installations, an expensive and voluminous task. The Comptroller in his memo also indicates that all these documents would have to be sterilized. Someone has been misinformed on this point. There is no restriction on sending copies of the Civil Service Retirement Act or Standard Government Travel Regulations to our field installations. There is a restriction against identifying CIA, thus the reasoning for using the term "Organization." Even this regulation clearly identifies it as pertaining to the U. S. Government, but it does not disclose CIA interest.

7. It is recommended that these questions be resolved as soon as possible. I believe the approval of our proposed procedure for processing regulatory material would provide the mechanism to resolve them. However, in the interim my recommendations are as follows:

a. That an Agency Regulation be issued on the subject of Retirement but that such regulation be confined to advising employees that they are subject to the Civil Service Retirement Act, the inclusion of any Agency policies concerning retirement, and a general description of the important provisions of the Act.

b. That a handbook be prepared on the subject of retirement, such handbook to include complete and detailed information on the Civil Service Retirement Act.

c. That you approve the principle of preparing in handbook form all those issuances designed to furnish detailed technical information and procedures, and limit the issuance of regulations to a rather strict interpretation of the definition given in

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